

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
SHELBY DIVISION

IN RE:

CASE NO: 10-40997

Andrew S Kuharsky  
Merry D Kuharsky  
SSN# : XXX-XX-7670  
SSN# : XXX-XX-6058

**TRUSTEE'S OBJECTION TO CLAIM**

**The undersigned Chapter 13 Trustee objects to the following proof of claim for the specific reason as set forth herein:**

Trustee Claim #	Clerk Claim #	Creditor Name	Account Number	Filed Claim Amount	Amount Paid Through Plan	Claim Type
12	10	SUNTRUST MORTGAGE INC	9160	\$63,142.10	\$63,142.10	U-Unsecured

The plan as filed by the debtor(s) indicates the collateral claimed as security for this debt was to be surrendered to the creditor. If this objection is sustained, the claim as filed should be stricken, with the creditor allowed 120 days from the date of the order granting relief in this matter within which to file a deficiency claim, if any, which will be treated as a general unsecured claim.

The trustee's objection is intended to resolve the treatment of the claim under the Chapter 13 plan. It may not be determinative of the status of affected lien(s) upon discharge.

DATED: 6/22/2011

Steven G. Tate  
Standing Chapter 13 Trustee  
PO Box 1778  
Statesville, NC 28687-1778

**\*\*NOTICE OF OPPORTUNITY FOR HEARING ON REVERSE SIDE\*\***

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**NOTICE OF OPPORTUNITY FOR HEARING**

The Chapter 13 trustee has filed an objection to your claim in this bankruptcy case.

**Your claim may be reduced, modified or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.**

If you do not want the court to eliminate or change your claim, then you or your attorney must file with the court a written response to the objection, explaining your position, and a request for a hearing within twenty (20) days of the date of the service of this notice, at the following address:

CLERK, U.S. BANKRUPTCY COURT  
PO Box 34189  
Charlotte, NC 28234-4189

If you **mail** your response to the court for filing, you must mail it early enough for the court to **receive** it on or before the deadline stated above.

You must also mail a copy of your response to the debtors' attorney at the following mailing address:

JOSHUA B FARMER ESQ  
Tomblin Farmer & Morris PLLC  
PO Box 632  
Rutherfordton, NC 28139

If you file a response, then a hearing on the trustee's objection will be held at the following time and place:

Date: July 29, 2011 Time: 9:30 AM

Location: Cleveland County Courthouse  
Courtroom #5  
Shelby, NC 28151

**No hearing will be held unless a response is filed.**

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

Dated: 6/22/2011

Steven G. Tate  
Chapter 13 Trustee

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**CERTIFICATE OF SERVICE**

The parties whose names and addresses are listed below were served by United States first class mail, postage prepaid on 6/22/2011.

A. Hamby

Office of the Chapter 13 Trustee

Andrew S Kuharsky, Merry D Kuharsky, 211 Sandstone Drive, Taylors, SC 29687

SARAH D MIRANDA, PO BOX 2505, FAYETTEVILLE, NC 28302

SUNTRUST MORTGAGE INC, PO BOX 27767, RICHMOND, VA 23260-6149

CORPORATION SERVICE COMPANY, Re Suntrust Mortgage, 327 HILLSBOROUGH ST, RALEIGH NC 27603